

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 05-11395-RCL

PATRICIA BERGEVINE,
Plaintiff,

v.

PEASE & CURREN, INC, PEASE & CURREN
MATERIALS, INC., FRANCIS H. CURREN, JR.,
ROBERT H. PEASE, JR., FRANCIS H. CURREN,
III A/K/A KIP CURREN AND MEREDITH A.
CURREN.

Defendants.

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR PROTECTIVE
ORDER AND PLAINTIFF'S CROSS-MOTION TO COMPEL THE DEFENDANTS'
DEPOSITIONS AND ANSWERS TO DISCOVERY REQUESTS**

NOW COMES the Plaintiff Patricia Bergevine (the "Plaintiff") and hereby opposes the Defendants Pease & Curren, Inc., Pease & Curren Materials, Inc., Francis H. Curren, III A/K/A Kip Curren and Meredith A. Curren's (the "Defendants") Motion for Protective Order under Fed.R.Civ.P. 26(c). Plaintiff also moves to compel the Defendants to participate in discovery as required under Rules 30, 33, 34 and 37 of the Federal Rules of Civil Procedure and in accordance with the Joint Scheduling Order prepared by all parties and entered by the Court (Lindsay, J.) on December 1, 2005. Plaintiff further moves that this Honorable Court compel the depositions of Defendants Robert H. Pease, Jr. and Francis H. Curren, Jr., non-movants to the Motion for Protective Order (the "Non-Movants"), and further order the Non-Movants to answer all discovery propounded by Plaintiff. Plaintiff moves for expenses and sanctions under 37(a)(4). In support hereof, Plaintiff submits Plaintiff's Memorandum of Reasons in Support of

Plaintiff's Opposition and Plaintiff's Cross-Motion to Compel the Defendants' Depositions and Answers to Discovery Requests and the Affidavit of Erin Brennan, Esq.

STATEMENT OF COMPLIANCE

The Plaintiff hereby certifies that counsel for the Plaintiff has consulted with counsel for the Defendants via telephone pursuant to LR, D.MASS. 7.1(A). Counsel for the Defendants informed Plaintiff's Counsel that the Defendants would not provide answers to interrogatories and would not attend their noticed Depositions.

REQUEST FOR ORAL ARGUMENT

Pursuant to LR, D.MASS. 7.1(D), the Plaintiff respectfully requests a hearing on the matter.

CONCLUSION

Based on the foregoing, the Plaintiff respectfully requests that this Honorable Court deny Defendants' Motion for Protective Order, allow her Cross-Motion to Compel and award all expenses incurred by Plaintiff under Fed.R.Civ.P. 37(a)(4).

Respectfully submitted,
PATRICIA BERGEVINE,
By her attorneys,

/s/ Gregory J. Aceto
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Certificate of Service

I hereby certify that on May 1, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the matter via e-mail. I further certify that copies will be sent via U.S. Mail to all counsel in the matter who are not registered with the CM/ECF system.

/s/ Gregory J. Aceto
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Attorney for Plaintiff Patricia Bergevine